IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 207 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/05/2004 in WP NO: 9260 OF 2004 on the file of the High Court.)

Between:

Anwar-Ul-Uloom Junior College, Nirmal, District Adilabad. Rep. by its Principal, Sri Habeeb Ahmed, S/o. Habeeb Hussain.

APPELLANT

AND

The Assistant Commissioner of Provident Fund Organisation, Hanam Konda, Warangal.

RESPONDENT

Counsel for the Appellant: MR.B.SUDHAKAR REDDY

Counsel for the Respondent No.: MR.R.N.REDDY

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P. No: 9260 of 2004, dated 25th May, 2004 under which the learned single Judge dismissed the said writ petition.

The appellant herein is the writ Petitioner-junior College and the respondent herein is the official respondent in the writ petition.

Originally, the writ petitioner has filed the present writ petition seeking direction to call for the records pertaining to review petition No.AP/SRO/WL/ENF/31431/2004/147 dated 29-4-2004 on the file of the official respondent and quash the same and for consequential reliefs. The learned single Judge, having observed that the petitioner can avail a remedy under Section 7(1) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, dismissed the petition and has also made it clear that there shall be stay of recovery for a period of two Weeks pending filing of the appeal.

Aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

It is contended by the learned counsel for the writ petitioner that the review petition has not been considered by taking into consideration of all the facts.

However, in the facts and circumstances of the case, without going into the merits of the respective contentions and without expressing any opinion on the merits of the case, We feel it appropriate to direct the writ petitioner to deposit 1/3rd of the outstanding amount within a period of four (4) Weeks from the date of receipt of a copy of this order. It is also made clear that on such deposit, the appellate-authority is directed to entertain the appeal and dispose of the same within a period of four (4) Weeks from the date of deposit. The order of the learned single Judge is modified to the extent as indicated above.

Accordingly, the writ appeal is disposed of. No costs.

Justice T.Meena Kumari

Date : 11th February, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Principal, Anwar-Ul-Uloom Junior College, Nirmal, District Adilabad.

2. The Assistant Commissioner of Provident Fund Organisation, Hanam Konda, Warangal.

3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No: 207 OF 2005

(Judgment delivered by Smt.Justice T.Meenakumari)

11th February, 2005